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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-0395 CRB
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM JUNE
v.	)	7, 2006 TO SEPTEMBER 11, 2006
	)	UNDER THE SPEEDY TRIAL ACT
EUGENE YI,	)	
	)	
Defendant.	)	

The parties hereby stipulate as follows:

1. On June 7, 2006, the parties appeared before the Court, and the Court set a September 11, 2006 trial date for this matter.

2. The parties agree that the time between June 7, 2006 and September 11, 2006 should be excluded from the Speedy Trial clock. Previously, the Court declared this case complex. See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is continuing to review the discovery in this case, which exceeds 50,000 pages, and includes numerous Korean language documents and call transcripts. Additionally, the government expects to provide numerous additional boxes of discovery, which defense counsel will need to review to prepare for trial.

Thus, the parties agree that a continuance is necessary for the effective preparation of defense

counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

The parties also agree that the ends of justice served by excluding the period from June 7, 2006 to September 11, 2006 outweigh the interest of the public and the defendant in a Speedy Trial.

See id. § 3161(h)(8)(A).

STIPULATED:

June 21, 2006	/S/ PETER B. AXELROD _____
DATE	PETER B. AXELROD LAUREL BEELER Assistant United States Attorneys

June 20, 2006	/S/ MICHAEL HINCKLEY _____
DATE	MICHAEL HINCKLEY Attorney for Eugene Yi

### ORDER

For good cause shown, with the agreement of the parties, and for the reasons stated above, the Court orders time excluded under the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to September 11, 2006. The Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: June 21, 2006

CHARLES R. BREYER  
United States District Judge

